PROPOSALS AND REASONS

MCALPIN COLLECTION

Whereon some of them are grounded:

Humbly presented to the

PARLIAMENT

Towards the settling of a Religious and Godly Government in the Commonwealth:

1817 Dec 6

With a short account,

Of { *the compatibility of the Congregationall way with the Magistrates ordering all matters of Religion in a Nationall publick way: and of the Incompatibility of either of them, with an Ecclesiasticall Presbyterian-National, Iurisdiction, Independent on the Magistrat.*

Tythes and settled maintenance for the Ministery.

Ministers capacity of sitting in Parliament.

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PROPOSALS,

Towards the settling of a Religious & Godly Government in the Commonwealth.

1.

THat the Commonwealth be consisting of one entire representative called Parliament, made up of three other representatives of *England*, *Scotland* and *Ireland*, one representative for each Nation.

2.

That 340 be the representative of England, 40 the representative for Scotland and 20 the representative for *Ireland*.

3.

That England and Scotland bear the burden of taxes and imposi tions according to the number of men in their representative.

4.

That the number of Members, for Shires, Cities and Burroughs be proportionable to the rates of taxes and their contribution, that Cornwall have lesse members, and London a far greater number, that cities and Burroughs have but one, and Shires more then two.

5.

That men of all rankes that have a competency of estate be chosen by their Countrey, and that Ministers of the Gospell be made capable of being elected and of sitting and voting in Parliament.

6.

That the Parliament sit at Westminster every year, 3 months together.

7.

That in the first Parliament, all the 400 out of the three representatives be chosen and sent at once.

8.

That it be provided for in the succession of ensuing Parliaments, that one 100 of these 400 go off, & other 100 be sent in their room, who are to be elected not by the three Nations, but by the fourth part of each Nation, so that no man or Country be put upon election of members, but once in 4 years,

9.

That the first sitting Parliament doe chuse 40 of their own body to be a standing perpetuall Council of State, whereof 10 to go off every year, and 10 others be suppylyed by the Parliament of that year.

10.

That of those 10 that are to go off, some or most or all of them may be chosen again that same year by the Parliament if they please.

11.

That the Parliament or the Councill of State chuse a President of the Councill, who in the Intervalls of Parliaments may receive some stamp of authority, (as a Duke of *Venice*,) only in publike meetings out of the sitting of the Councill, which will be a badge of the Commonwealths Majesty attending him, although he hath but a single vote in the Councill.

12.

That this Councill have power in the Intervalls of Parliament to redresse all grievances, order all matters, which other courts do not; make ordinances, but no Acts.

13.

That all Ecclesiasticall Iurisdiction be abolished & be buried with the English Episcopal Hieratchy, and that the Parliament and the Councill of State under them be invested with a supreme Iurisdiction in all causes and matters, and over all persons, suffering no collaterality of jurisdictions within the Commonwealth, in Nationall assemblies by what title soever distinguished; and that all Acts of jurisdiction, as ordination, deposition and excommunication (if any be admitted) be a product of the Commons-wealths jurisdiction.

14.

That the Miniſters of the Goſpell may be as well choſen members of the Councill of State as of the Parliament.

15.

That no religion be commanded by law, and no man conſtrained to repair to ordinances; yet that all men be invited and encouraged to attend them, and no religion tolerated, but that which agreeth with the confeſſions of Faith of the late re. Aſſembly of Divines (the 30 and 31 chapters only excepted) or with that of the Reverend Miniſters of the congregational way, who met in the year 1658. in the houſe called Savoy.

16.

That for a conſtant ſucceſſion and ſupply of Miniſters, ten men of the Councill of State, and a competent number of Godly and learned Miniſters, holding to the forenamed confeſſions of Faith make up a Committee for viſiting the Univerſities, Schools of learning, naming a Vichancellour, conferring or beſtowing of Halls, receiving appeals from judgements given in the Univerſities, and for examining, trying and approving of fit men for Pariſh-Churches, and inveſting of ſuch as are duely preſented by the Patron, or choſen by particular Pariſh-Churches, or are demanded for lecturers, and have a good teſtimony of their life and doctrine.

17.

The Parochial and congregationall Miniſters may ſeverally or aſunder, meet by the leave of the ſaid committee, or Councill of State, in their reſpective Countreys or Shires in the form of Synodes or Eccleſiaſticall aſſemblies, to give adviſe to Miniſters or Churches, or to debate matters of Religion, but not to impoſe their declarations upon neighbour Miniſters or Churches, except they receive the ſtamp of publick authority from the Parliament.

18.

That in Scotland, Ireland, and parts remote from London, ſome ſubcommittees delegated from the Higher committee be ſettled of the ſame nature and to the ſame intent and purpoſe.

19.

That the Miniſters that are for the Congregational way, as they are indifferently to be inveſted with Parochiall livings with others of a different judgement, ſo they muſt be exhorted not to attend their pri-

private congregations, at those times when the Parochial assemblies do meet.

20.

That not only Tythes be reserved for the maintenance of Parochial Ministers, but that some larger allowance be provided for more Ministers, specially in such large Parishes as that of Sepulcher, Cripple-gate, Giles and Martin in the fields, &c. to attend the Pastorall Parochial duties, as Catechising, visiting the sick and prisoners, conforting the afflicted, instructing the ignorant, admonishing privately the careless and the unruly, and taking notice of the poor and needy, that their wants be represented: and that for augmentation of maintenance some way be found to make a stock of mony, towards the buying of impropriations, not only for Ministers, but also for increase of revenue to Colledges and Schools, and erecting new ones; furnishing of Parish-Churches with Libraries, and supplying the wants of the poor, the widdow and the fatherlesse

21.

That the Parliament be pleased to mind the propagation of the Gospell, not only in the three Nations, but also abroad, settling revenues towards the maintenance of strangers, Students in Divinity for remote Countreys, as *Poland*, *Hungary*, &c. that have no means nor Schools, where to bring up Schollars, and fit them for the Ministery, being no lesse zealous for the truth, then Popish Magistrates for their Idolatrous superstition, while they carefully nurture youth in their Seminaries for England and other Countreys.

22.

That the names of Presbyterians and Independants be quite abolished, and that the Parliament do allow and countenance, as well the Ministers of the congregational way, as others in their Parochial meetings, countenancing the congregational way for those that are grown up Christians, so as that in the mean while he do settle a National Church-way for Christians of all sizes and growth; particularly for the main body of the people of the Land. Which, were there no other Church way but the congregational, would remain careless and ignorant of all Religion.

REA-

REASONS,

Whereon

Some of the Propoſals are grounded.

CHAPT. I.

Of the compatibility of the Congregationall way with the Magiſtrates ordering all matters of Religion in a Nationall publick way; and of the incompatibility of either of them with an Eccleſiaſticall Presbyterian Nationall Iuriſdiction, Independent on the Magiſtrat.

HAving ventured upon ſome Propoſals towards the ſettling of a Commonwealth, in order to a Religious and Godly Government, the only way to preſerve it; I will forbear to give Reaſons for the ſame in this Modell, except it be only for the three heads mentioned in the title-page.

Now in this Chapter I purpoſe to aſſert in brief,

1. That the Souverain Magiſtrat of each dominion and territory, is entruſted by God to have the ſole principall and chief power to order matters of Religion in a Nationall church way, and conſequently that the Miniſters of the Goſpell are not inveſted with any juriſdiction to order, and ſettle in a publick way the matters of Religion.

2. That the Churches of the congregationall way are compatible with the Magiſtrates power in ordering a nationall church way. From theſe two aſſertions it will be inferred, that an Eccleſiaſticall Synodicall Claſſicall Iuriſdiction, excommunicating, deposing and making lawes, independently on the Magiſtrate, is contrary to Scripture and reaſon, and is incompatible both with the Magiſtrates juriſdiction and the Congregationall way.

§. 1.

For the proof of the firſt aſſertion, I will bring arguments and examples, not following any accurat order.

1. By the nature of obedience. As the holy Scripture doth propound but two great ordinances, the Miniſtery and Magiſtracy, by which men are governed in this world, and led into the poſſeſſion of the next; ſo nature, reaſon and cuſtume, yea and the practiſe of all Nations doe meet in this Scripture truth, that there are but two waies, whereby men do ſubmit themſelves and obey their commands, orders, adviſes and counſels; the one when the inward man, that is, the intellect, the will, the heart, the affections and the conſcience are drawn, led, convicted and perſwaded; the other when the outward man is conſtrained to obey for fear of puniſhment, by the one of theſe waies, the Magiſtrat doth build his Empire and dominion: And by the other way Ieſus Chriſt buildeth his Kingdome, converting mens ſouls to faith and repentance by the Miniſtery of the Goſpell. Men yield to the juriſdiction of the Magiſtrat both for conſcience ſake and for fear of conſtraint and force by puniſhment; but they ſubmit to the juriſdiction of Miniſters only for conſcience ſake, and becauſe they are perſwaded to ſubmit themſelves to it: the commandments of the one afford not the liberty to interpret them, but impoſe an obligation of ſubmiſſion with a blind judgement, whereas the lawes and orders of the Miniſters give that liberty which St. *Paul* gave to the people of *Berea*, who did no further obey his predication, then they found it agreable to other Scriptures, and were convinced and perſwaded of the truth of his Doctrine. St. *Paul* gives us but theſe two waies of ſubmiſſion in the 13. chapter of the Epiſtle to the Romans, either that way which we take meerely for conſcience ſake, or over and above for fear of wrath, that is for fear of outward puniſhment: let the Magiſtrat be what he will, Chriſtian or heathen, let him be orthodox or heretick, there is but one of theſe two waies of ſubmiſſion to him. In ſhort, we obey and ſubmit to the exhortations of wiſe men, becauſe we apprehend them by a judgement of diſcretion and approbation to be wholeſome and uſefull, and for fear leſt the neglect of them prove a ſin againſt God, and be dangerous to our preſent or our eternall condition, & not for fear of wrath from any cenſure of men; ſuch are the exhortations of Miniſters to faith & repentance, yea their commands, as when they bid us be reconciled to God, which commands carry along with them an indiſpenſable obligation in the court of conſcience; but though they have power and authority of commanding, they have no power to conſtrain thoſe that will not yield to their commands, no more then thoſe of the Phyſitians. §. 2.

II. By the nature of the power and authority called the power of the keyes, and binding and loosing. This power is the same that the Prophets and Doctors had under the Old Testament in the Synagogues & houses of prayers; a power not forcing the body, but enlightening the mind, convincing the heart, ruling the affections, and bringing them captive to the obedience of the crosse; a power which the New Testament mentioned in an hundred places, and yet is never taken for a Synodicall Presbyterian power of deposing, excommunicating, & making lawes and canons authoritatively; but always for the vertue and efficacy of the spirit of God in the word and ministery called the power of God, Rom. 1. v. 16. by which men are turned from darknesse to light, from the Kingdome of Satan to God, Act. 26. v. 18. a power described in magnificent termes, 2. Cor. 10. v. 4. a power which *S. Austin, Ep. 48. ad Vincentium*, opposeth to the power of the Magistrate, *Pastoris est perducere ad veritatem per suadendo, Magistratus regendo*, by this power the Ministers are Ambassadors from the Kingdome of Christ to the Kingdome of this world, where they are to deliver their Maisters message; but as Ambassadors, so Ministers are barely to denounce their Maisters will, beseeching those they are sent to, yea commanding them in the name of their Maister to be reconciled to God without putting any force upon them, except it be by that weapon which no man can withstand Act. 6. v. 16. I know no other power of the keyes nor of binding and loosing, though probably this power of the keyes may carry some thing more, which was particularly given to the Apostles, as learned Mr. *Lightfoot* tells us in his Harmony Matth. 16. He saith that the power of binding and loosing was only given to the Apostles as far as some part of Moses law was to stand in practise, and some to be laid aside; some things under the law prohibited were now to be permitted, and some things permitted to be now prohibited: so that in these words *whatsoever*, &c. Christ promiseth to the Apostles such an assistance of his spirit and giveth them such a power, that what they allowed to stand in practise should stand and what to fall should fall, in short what they bound in earth should be bound in heaven; and this exposition is the more agreeable, because the Greek Text speaks not of binding or loosing persons but things, saying not, whomsoever you shall bind, but whatsoever things ye shall bind, &c. that is, whatsoever things ye shall dispense or oblige

lige unto. He also parallels this place of binding and loosing to Iohn 20. v. 22. *Whose sins ye retain they are retained*, &c. and saith that that power was a particular gift to the Apostles, when Christ breathed on them, by which they spoke strange tongues, healed diseases, killed and made alive, delivered to Satan and bestowed the holy Ghost; or the power to work the same miracles. whatever exposition of these we receive, none suites with the power of excommunicating and ruling by a judiciall authority.

§. 3.

III. By the nature of ordination, which was alwaies in England as it ought to be an Act of the Magistrates jurisdiction. by ordination I understand, a licence or a privilege granted by a power of Magistracy to a man to use that ministeriall function which God hath called him unto, and to be acknowledged a Minister of the Gospell in all the places of his jurisdiction; for all the Acts of the Magistrate, of the Church and of the Ministers, are not to send him; but to acknowledge Gods call and mission and publickly to declare their willingnesse and readinesse to accept of his ministery among them. If there were a call from men, it should be rather from the particular church electing of him for their Pastor, and requiring his pains among them: all other acts arising from the testimonies of his life and doctrine and the begging of God blessing by the Ministers met in a *cœtus* presbyterie or Synod by prayer and fasting, the giving the hand of fellowship, the laying on the hands are acts necessarily to be supposed before a man be acknowledged Minister of the Gospell and set a part by God for the great work of saving souls. The Magistrate doth no more concurr in making or sending a Minister then in marrying; whereas, it is God that instituted and made matrimony, and the mutuall consent of the man and woman made them husband and wife, the Ministers begge only a blessing upon their marriage: and here the Magistrate by his license contributes to their marriage as much as he doth to the making of a Minister. all the *Ius Divinum* of the call, is Gods call concurring with the choice made by men or by a particular church; whereof we find an evident example in Ezechiel 33. where God declareth by his Prophet that whatever watchman the people should chuse, he would repute the choice to be his act, in that he would punish those that should sleight the admonitions of the watchmen, and did not take them for Gods warnings; and would take an account

count of the watchman for his failing in the care of mens souls, in which example we may see that there is much labour lost in asserting the *Ius Divinum* of the Ministery, as if it had nothing of humane right; for if Magistrate and people doe chuse themselves a watchman over their own souls to divide the word unto them, why should not this act be reputed a Divine choice and a Divine installing into the calling, as well as the choice of the watchman, whereof mention is made in Ezechiel? I conceive that this is the true notion of Ministers ordination, and admitted by all Lutheran Churches, namely by *Gerardus* in his common places *de Minist. Ecclesiae* §. 12. and *Chytraeus in cap. 25. Exodi*, both holding that ordination is nothing else, but a publick acknowledgement of the mission and call that God hath made of such a man, and a begging the blessing of God upon his Ministery, and upon the choice that the Church hath made of him. *Iohn Mestrezat* of Paris in his tract of the Church is of the same opinion and so *Daniel Titenus* part. 2. disp. 25. *Pastors in the ordination have nothing to do, but to acknowledge Gods call and their liking of it.* But the ordination of Priests in the Iewish Church sheweth, that it was not a product or an act of the jurisdiction of the Priests, whose jurisdiction (if they had any) was confounded with that of the Magistrate; for we shall see next that as Priests they never had any. Ordination then being no act of the Ministers, much lesse of their jurisdiction, it is consequently evident that deposition or exauctoration is no act of the Ministers jurisdiction: for it is but raveling again what was done without any intervening jurisdiction but that of the Magistrate, who withdraweth his license; the Ministers say they will hold him no longer a fellow partner in the work of the Gospel; the people declare their dislike of the man and professe they will make no use further of his Ministery; which act is no otherwise an act of jurisdiction, then the refusing to take physick is an act of the patients jurisdiction over the Physitian; much like the excommunicating of a man by Ministers and people, which is no otherwise an act of jurisdiction then their withdrawing from his communion and indeed excommunication is an act of Ecclesiasticall and ministeriall jurisdiction of the same stamp with ordination and deposition, and they all rise and fall together, and therefore it will not be requisite I should show the nullity and vanity of excommunication, and professe my dissent from the reverend Ministers of the Presbytery, who hold in their reasons given to the dissenting brethren, that ex-

communication is as well an ordinance of Christ as preaching and administration of the Sacraments.

§. 4.

IV. By the nature of the sacred function, which by Gods institution was never attended with jurisdiction, this is made evident by what we have said of the power of binding and loosing, and by the example of those that were clothed with that sacred function; for they never exercised any jurisdiction by vertue of their function; for the high Priest as *Maimonides* tells us was not alwaies admitted a member of the great Sanedrim, and sure he could never have missed to be one of them, if his function had carried along with it a jurisdiction as the office of a Chancellour or Lord keeper requireth that the man that hath it should sit in a Parliament. And *Simon Iannes*, &c. who invaded the Kingdom never thought by their Priesthood to have more right to the Soverainty, besides, that the very installing into that office was no act of Priestly jurisdiction, but of the Sanedrim or of the King; and the Priests were so unprovided of jurisdiction, that when Kings or Iudges were removed, the people lived as they listed, and were left loose as sheep without a shepheard and as a great family of servants without a head. Aaron for all his Priestly office in chief was not able to restrain the people from Idolatry; yea he was rather their servant in the absence of Moses, and put by them to make a golden calf. The very papists when they have been in a good mood, have been pleased to acknowledge this truth, when they have had occasion to clip the wings of the Pope; but especially the words of the canon law are expresse, *can. inter 33. qu. 3. what the Priest cannot compasse by the word of his Doctrine, the supreme power must needs do by the terrour of discipline: by such means the celestiall Kingdom is assisted by the earthly Kingdom, for the holy Church hath no other sword then the spirituall, which hath a quickening power.* And *Anselm.* Arch Bishop of Canterbury upon the 16. of Matthew proves at large, that the Priest hath no weapon but a spirituall one, constraining those that are willing to have force put upon them; but of the material sword in the hand of the Magistrate, he saith, that it constrains even those that are unwilling to be constrained, Hotoman a civil Lawyer takes off all jurisdiction from the ministeriall function in his book of the liberties of the Gallicane Church: he hath these words, *is is certain that Ecclesiasticks as Ecclesiasticks have neither fisch nor territory, nor any jurisdiction, but only*

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liberty to declare what is fitting to be observed without being able to put their opinion in execution. Among Protestants *Salmasius* a man of more credit in this, because he spoke against the sence of those Pastors whose congregations he resorted, in his *Apparatus* p. 158. *among all the functions of the Ministers there is not one that can be moved, in the discharge of which any jurisdiction is requisite; there needs none for instructing the faithfull people, nor for the administration of the Sacraments*: he further saith, that what ever jurisdiction they can challenge it is over those that willingly submit to it: *for an impenitent person and one that little cares for their censure doth not belong to the Ministers jurisdiction and care: In administring the holy Supper there is no jurisdiction since it is given to those only that are willing to take it*, so that all excommunication must be void, except it light upon one that is willing to be excommunicated.

§. 5.

V. By the example of the State of the Nation of Iewes, where the jurisdiction of the Church was united with that of the Commonwealth, as almost all the Romanists acknowledge, namely *Baronius*, *Carthusianus*, *Cornel. a Lapide*, *Tostatus*, &c. the words of *Tostatus* are very expresse upon the 16. of Matthew, *under the Old Testament it was not necessary that jurisdictions should be distinct, by reason it was but one nation, one people, one temple, and because they might easily be governed by an unity of jurisdictions to the end that God might be thought one, and the same God to whom they all ministred.* There being but one jurisdiction there could not be an Ecclesiasticall, Nationall jurisdiction independent on the Magistrates jurisdiction, and therefore all the Churches censures, deposition, excommunication (if they had any) were but products of the Magistrates jurisdiction: most of the Protestants goe along with the Papists for an identity of jurisdictions, whereupon it will not be amisse to hear judicious R. *Hooker* in the 8. book of his Ecclesiasticall policy, when he maintains that the Ecclesiasticall jurisdiction in England as being not distinct from that of the King, is agreeable to the government of the people of God, these be his words, *Our State is according to the pattern of Gods own ancient elect people, which people was not part of them the Commonwealth, and part of them the Church of God, but the self same people, whole and entire, were both under one chief Governor, on whose supreme authority they did all depend.* So also is Mr. *Thorndike* for an identity of

juris-

jurisdiction among the Iewes in the 9 chapter of his book touching the Government of the Church, he saith, *The Sanedrim consisted of the chief of that people, as well as of the Priests and Levites, because the chief causes of that Commonwealth as well as of religion passed through their hands.* Now if in a Nation rude and weak in knowledge under a burdensome administration, loaden with ceremonies and legall rites, where the sixt part of the people was either judge, leader, elder, Priest, Prophet, Levite or officer in the Leviticall service. If I say under such an administration where there was need of many keepers, guardians, tutors, many helps of government, yet the government was not shared betwixt the keepers of Ecclesiasticall and the keepers of civill jurisdiction; but one only jurisdiction was over all persons and regulated all matters; how much lesse need is there to make two jurisdictions collaterall, in one and the same people among Christians, wholly freed from that burdensome administration of lawes and officers: for if, when the faithfull had need of many pedagogues and schoolmaisters, yet they were governed without distinction of jurisdiction of Church and State, much lesse do Christians now need such a distinct government, since they are wholly freed from the necessity of having so many guides and masters to govern and teach them so many rudiments, and to acquaint them with the meaning of all the ceremonies? besides, there is lesse need of a distinct government of the State from that of the Church, whereof God never gave any platform under the New Testament; and what need an Ecclesiasticall jurisdiction, where there is no Ecclesiasticall law or constitution? but admit there had been among the Iewes an Ecclesiasticall jurisdiction distinct from the civill, and that the Priests and Levites had been invested with the Ecclesiasticall jurisdiction, yet no jurisdiction would thence accrue to the Ministers of the Gospell, who have not succeeded to the Priests and Levites, which mainly attended the ceremonial worship, but to the Prophets, the Rabbies and Doctors, who were wholly conversant about the doctrinal worship, and taught in schools and houses of prayers, and who never had a share in the jurisdiction, but only over the inward man: 'tis true, Samuel taught in such schools and yet was a Iudge of the Land, but this was an extraordinary case and his soverain jurisdiction was not inherent in his Prophetical office or Ministery of teaching his schollars the young Prophets.

1. In the Commonwealth of Israel the King and Soverain Magi-

strate

strat had the main ordering of all matters of religion; and this the story of the Kings and the Chronicles show all along. Now if the good Kings of Iuda exercised that power, (as none will I believe question,) in obedience to God and to a spirituall end, I do not understand why a Christian Magistrates power, duty & end should not be of the like extent: shall not these be alike obliged to fear God, to read the Scripture, to ordain lawes for reforming religion, extirpating Idolatry, blasphemy and all erroneous and false worship, appoint orthodox and godly Pastors? *Petrus* de *Marca* a Papist, a great schollar, and very learned in Divinity, though not a Priest or Bishop or a divine as they term it, in his book, *de concordia Imperii & sacerdotii lib. 2. cap. 4.* saith, *that it is a great wrong done to Christian Princes to deny them the same measure that the Kings of Iuda had. Insignis injuria fit Principibus Christianis si eam in Ecclesia potestatem illis denegamus quam Reges Iudæorum in Synagoga obtinebant.*

§. 6.

VI. By the example of the Christian Emperours, Constantine the great, Theodosius, Iustinian, &c. who modelled the Nationall Church-way after the civill government, set up Episcopal courts and Ecclesiasticall Iudicatures depending on them: convocated synods, gave the vigor of lawes to their canons and determinations, and made lawes and constitutions of times without the consent of their clergy, for ordering and regulating all church matters, whether of faith or of discipline: appointed Ecclesiasticall censures, and set bonds to excommunications, and many times made them void and null, by their single authority.

§. 7.

VII. By the very confession of the Nationall Presbyterian Church of Scotland art. 25. *To Kings, Princes, rulers and Magistrates chiefly and most principally the conservation and the purgation of religion pertaineth; so that, not only they are appointed for civil policy, but also for the maintenance of the true Religion and for suppressing Idolatry and all superstition whatsoever.* He who hath never heard of a Nationall Presbyterian jurisdiction independent on the Magistrat, or of a double jurisdiction Ecclesiasticall and civil, would not deduct it by any consequence out of the words of this confession: for, they make the Magistrat sole Governour of Churches and assemblies nationall, provinciall, classicall, &c.

and judge of hereſies, canons, decrees and church cenſures; and they doe equally lay upon him the duty of extirpating hereſies, reforming the church and purging the Commonwealth from ſeditions, abuſes, crimes, &c. yea the word *principally* puts more ſtreſs of duty upon the Magiſtrate, to govern the Church and maintain and reverence the true religion; then to rule the Commonwealth.

§. 8.

VIII. By the lawes of England never yet repealed ſince the reformation: they unite all Eccleſiaſticall juriſdiction to the Crown, even that juriſdiction which viſiteth, reformeth, correcteth and rectifieth all abuſes, hereſies, enormities whatſoever, and ſo the Statute Elizab. 1 forbiddeth that any tenet ſhould be delivered and paſſe currant for hereſie, which was not firſt declared to be hereſie by the Court of Parliament.

§. 9.

IX. By the ſence and Declaration of this preſent Parliament in their publick Commiſſion, by which they called the Aſſembly of Divines: for the Aſſembly was bound thereby *not to exerciſe any juriſdiction and authority Eccleſiaſticall whatſoever, or any other power, but to adviſe and give counſell concerning ſuch things as ſhall be propounded to them, and to deliver their opinions and advice.* And the ſame they manifeſted by their practiſe; for, having perfected the confeſſion of faith, Catechiſme and platform of government, they did not impoſe them upon the people of the Land, as a Law and decree of their own, and as a product of their Eccleſiaſticall juriſdiction, but preſented them to the Parliament under the name of *Humble Advice*, albeit they make uſe of another language, *pro Imperio* in the ſame confeſſion, when they ſay chapt. 31. ſect. 3. *that Miniſters in Synods may determine Authoritatively*. But this power delegated to the Aſſembly and the exerciſe of the ſame & granted while they ſate at Weſtminſter, is a true repreſentation of the extent of power, which all Synods and Councils under an orthodox Magiſtrate ever enjoyed or ought to have, for without a power of Magiſtracy giving force of law to their determinations and decrees, they are meerly advices and counſels, and were they ſo many Apoſtles met in Counſell, they could but ſay as Act. 15. 29 *If you keep your decrees you ſhall do well*. And certainly had the Lord Jeſus Chriſt inſtituted a juriſdiction diſtinct, as they ſay, from the civil Magiſtrate, they ought to have diſclaimed that ordi-

ordinance of Parliament which delegated a power which was none of their own, and stretched it too; for, what commission needed they from men, if they had a jurisdiction immediately from Christ? they were rather to have expected an ordinance directed, not to the Ministers, but to the people, who should have been enjoined to suffer the Ministers to exercise that jurisdiction; which they authoritatively challenge from Iesus Christ and to receive the Assemblies conclusions; not as humble advices but as Ecclesiasticall lawes and ordinances, made authoritatively by the Governors of the Churches under Iesus Christ.

§. 10.

X. By the testimony of the re. Ministers of the congregational way, namely of Mr. *Ieremiah Burroughs*, who in his *Irenicum* professeth to deliver nothing but the judgement of his brethren, all dissenting as well as he from the brethren of the Presbytery, pag. 21. he saith, that Magistrates are specially to aime at the promoting of the Kingdom of Iesus Christ: and there throughout the long chapter he hath these conclusions, 1. that the power of the Magistrate is alike in the times of the old, and of the New Testament; that it was not only a law given to the Israelites, but known by the heathen, by the light of nature, that Magistracy was to govern and order religion as well as other things. 2. That there was no distinction of jurisdictions in the Commonwealth of Israel. 3. That it is most unreasonable that a Magistrate turning either from the heathenish or Iewish religion, should enjoy lesse power in matter of religion, then he had when he was either a heathen or a Iew. *An infidel Magistrate*, saith he, *converted to Christian Religion is thereby better enabled to perform the duty of his place then before, but he had the same authority before.* 4. He holds, that a Magistrate hath a soverain judgement of his commands, though unskilfull in the things commanded. *A Magistrate, that is not skilfull in physick or in navigation, yet he may judge Physitians and Mariners, if they wrong others in their way.* 5. He asserts largely the power of Magistracy in matters of religion by the example of the Kings of Iuda and Israel, yea of the Kings of Niniveh and of Artaxerxes interposing his power in matters of religion, for which Ezra blessed God, *whosoever will not doe the law of thy God and the law of the King let judgement be executed upon him.* Hereupon he presseth many passages of Scripture, Isa. 49.22, 23. *Kings shall be thy nursing fathers*, and Revel. 21.v.24. Rom. 13.4. 1. Pet. 2.13. He addes also that, *since the*

Scripture ſpeaks thus generally for thy good, for the puniſhment of evil doers and the praiſe of them that doe well we muſt not diſtinguiſh where the Scripture doth not.

§. 11.

XI. By the confeſſion of many Romiſh writers conſtrained by the evidence of the truth. The canon law ſaith out of *Iſidorus, cauſa 23. qu. 7. c. 11. let ſecular Princes know they ought to give an account of the Church, which God hath committed to their truſt, and whether the diſcipline of the Church be made better or worſe they are to give an account of it to God, who ſubmitted the Church to their juriſdiction.* Now who would think, that the Magiſtrate ſhould be found to give an account of anothers mans adminiſtration and charge? *Claude Fauchet* a famous Hiſtorian a Papiſt in his book of the liberties of the Gallican Church, out of Gregory of Tours, and the practiſe of his time, proveth that the Kings of France were reputed heads of the Church, a title which many 100. yeares after was much found fault with in the Kings of England by the Romaniſts, yea alſo by ſome reformers; he concludes his diſcourſe thus, *that the Biſhops of that time did hold the King aſsiſted by his Councill of State to be under God, head on earth of the Church in his Kingdom and not the Pope; whom if they had looked on as the head, they would have ſent unto him the concluſion of the councell of Orleans and not to King Clovis.* In latter times then this Clovis even in the dayes of Lewis the 9. who was ſainted by the Pope, I find in a writter named Ionville, of above 400. yeares ſtanding, chapter 82. a notable example in the darkeſt times of popery of the nullity and vanity of Eccleſiaſticall juriſdiction, unleſſe it were ſet a work by ſome power of Magiſtracy; ſhewing that Eccleſiaſticall juriſdiction and excommunication are like the feathers of an arrow, which can never hit nor have a direct motion without the wood put to it. When a Prelat had deſired of King Lewis the help of the ſecular power for making his excommunications good, the King anſwered, *that with all his heart he would do it, but that firſt it was fit he ſhould be acquainted with the validity of excommunication.* I will not omit the Author of the Councill of Trent a learned popiſh writer, and worthy that Dr. Langban, late Provoſt of Queen Colledge in Oxford ſhould turn it into Engliſh, he every where deveſts all church-men of juriſdiction. In the 6. book chap. 5. *The Eccleſiaſticks in France doe not hold their Eccleſiaſtick juriſdiction from the Pope but from the King, though the*

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Iesuites teach otherwise. and in the 7. book ch. 7. he ascribeth a function to Pastors, but no jurisdiction, he hath this passage worthy to be written in golden letters, for, it doth disannull and make void all these Ecclesiasticall, classicall, synodicall canons, sentences and determinations, which are not acts of the Magistrate; *Kings*, saith he, *ought not to meddle with the administration of the Sacraments, nor with the businesse of ceremonies, or other Ecclesiasticall or ministeriall Acts: but as for appointing the order of ceremonies, purging out of abuses, extirpation of schismes and heresies, Church policy and the like, they may, they ought, and they have alwayes done it, either by putting their own hands to the work, or by commanding it, or else by appointing and constituting lawes, statutes, and ordinances.*

By what hath been said hitherto, it is evident that in the same territory and nation a nationall Church way cannot be compatible with the Nationall jurisdiction of the Magistrate, whereof a platform was endeavoured to be settled in Scotland, when they gave us a supreme judicatory in their generall assembly over all the Churches of Scotland, and another judicatory in the Parliament over the Republick or civill Estate of Scotland, for if all the Acts, as we have seen of the pretended Ecclesiasticall jurisdiction, as ordination, deposition, and excommunication, are acts of the same nature, with such as are brought forth by a power of Magistracy, it is not possible to conceive two coordinate collateral national jurisdictions within the same Nation and territory over the same persons, conversant about the same lawes and ordinances, and the same matter of religion. I conclude with the words of Musculus *loc. com. de Magistratibus, The way and nature of Government cannot bear that in the same people, there be two authentick powers, two diverse legislations and dominations, except it be by subordination, as there is no place for two heads upon one body.*

§. 12.

XII. The next assertion I am to make good that the Churches of the congregationall way are compatible with the Magistrates power in ordering a Nationall Church way.

In order to this I believe it may be proved, 1. that in the Commonwealth of the Iewes there was both this Church way of Congregation, and yet the while a Nationall publick worship set up through all the Land by the Magistrates jurisdiction and direction. 2. That in the primitive Christians time particular Churches were modelled according to the particular Churches of the Iewes.

§. 13.

This congregationall Church-way is made out by the 23. chapter of Leviticus v. 1, 2 and 3. *speak unto the children of Israel, &c. six dayes shall work be done; but the seventh is the Sabbath of rest, an holy convocation, ye shall doe no work therein : it is the Sabbath of the Lord in all your habitations*, where. 1. we have a convocation, and a holy one every Sabbath. 2. near every families dwelling place, at the distance, which is called in the Evangelists a Sabbath dayes journey: for, to travell a Sabbath day journey was to goe to the house of convocation, and to goe no further then the house of convocation was deemed the fulfilling of the command, Ezech. 16. v. 29. *abide every man in his place, let no man goe out of his place on the seventh day*, that is, let none goe any whither but to the place of convocation, for they could not keep the Sabbath without a holy convocation kept near every ones dwelling. Now that these convocations cannot be meant of nationall and festivall meetings, it is evident; for those were appointed but thrice in the year and far from every ones dwelling place : after the building of the Temple, they were celebrated either before the Tabernacle, or in the outer Court of the Temple. Now had they been bound to repair to Ierusalem every Sabbath day, it would not have been a fulfilling of the command, not to stirr from the dwelling place. These convocations or synagogues were particular Churches assembled in a temple or house, who had severall names according to their severall uses, being called sometimes sanctuaries, sometimes schooles and houses of teaching, expounding, and houses of prayers : In these houses there was a more solemn meeting on the seventh day and every new moon, of all those that dwelt near by praying and hearing the expositions of the law of Moses. The work was carried on most by Doctors, Rabbies, Prophets and teachers of the law; and those that were most assiduous to hear them were called disciples, and sate at the Rabbies feet, asking questions and hearing their answers and resolutions, sometimes a new comer might interpose, as we see by the example of Iesus Christ, Luk. the fourth, and by the Apostles entering into the synagogues. These disciples were called young Prophets and sons of the Prophets, and they were indifferently of all tribes and were different from those that by an extraordinary call were sent from God to whole Nations to deliver a speciall message, and foretell future things and denounce judgement; and one Esaias or Ezechiel might

might supply the office and place of thousands, but the other Prophets were so called in the same sense that Iohn the Baptist was called a Prophet, who never foretold future things: and Aaron was called the Prophet of Moses, because he was his interpreter Exod. 7. v. 1. The great number of these Prophets sheweth that their ordinary employment was to doe what the Ministers of the Gospell did, *viz.* to exhort, to teach, to comfort, to rebuke: they were in so great number that when Iezabel sought to destroy them all, Obadiah did hide one hundred of them in a cave, and as there were many of these Prophets and sons of the Prophets, so were they dispersed into many brother-hoods, fraternities, schools or synagogues; *they have burnt up* (saith the Psalmist 74. v. 8.) *all the Synagogues of God in the Land*, Calvin upon the place saith that people were every Sabbath day in synagogues to hear the reading and exposition delivered by the elder Prophets and to call upon God by prayer. In such sanctuaries and congregations David often saith, he will praise God and that God is gracious to his people.

§. 14.

These synagogues or convocations were particular churches of the nature of our congregationall churches in England, independent on any nationall Church or Commonwealth judicatory made up of Priests, Levites and elders of the people, meeting either in a Sanedrim of 70. persons or in those of 23. that judged the people at the gates: besides there could not be any consociation of all these convocations by their deputies to make up a nationall Church; for, then there would have been two nationall church judicatories coordinate, and collateral, and independant each on the other: and were there any such thing in Israel we should read of some orders and constitutions delivered by the nationall assembly of the Rabbies and Prophets unto each particular convocation: and it is further proved that these convocations did not depend on any generall judicatory or Sanedrim, by the practise of the faithfull people under Ieroboam and other idolatrous Kings; for, it was a capitall crime to appeal or repair about any matter to Ierusalem, or attend at those solemn meetings enjoined by the law of Moses three times in the year, and every seventh year; and therefore to keep themselves from Idolatry they frequented as much as they could those places of convocations as appeareth by a notable example, 2. Kings 4. v. 22. for when the Shunamitish woman desired an asse to ride on to Elisha,

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her husband told her, *wherefore will you goe to him this day, it is neither new Moon nor Sabbath.* We doe not read that theſe convocations were inveſted with any juriſdiction, or that that the Rabbies or chief Prophets teaching in theſe convocation-houſes, had any power of ruling or governing and of making lawes, which obliged thoſe that were taught, and required ſubmiſſion to them for fear of any puniſhment or cenſure inflicted by them. I cannot better compare the extent, of the power of ſuch Rabbies in the houſes of convocation then to that of Zeno, Plato or Ariſtotle over their ſchollars who with willing ſubmiſſion embraced their ſayings and precepts, ſo that the Prince or Doctor of the ſchool needed not any reſtraining or coercive diſcipline to order them; and indeed it is very probable that the ſchools of the Greek Philoſophers were modelled after the Iewiſh convocations or ſchools.

§. 15.

That beſides theſe convocations ſet up in all the Land of Canaan, there was a publick nationall worſhip and forme of religion, ordered and commanded by the Prince, Iudges and Magiſtrates of the people and not by the Prieſts and Levites, much leſſe by theſe Rabbies and Prophets, we need no more proofs then we need a candle to ſee at noon-day; one worſhip was to continue to the end of the world, th' other was legall, typicall, ceremoniall, and was no longer to continue then the Leviticall worſhip, the Preſthood, the Altar, the Temple and the Sacrifices were to hold. This kind of nationall Iewiſh Church-way was to give place to a Chriſtian nationall Church-way; where there is no further uſe of Prieſts, Levites, Altar, Sacrifice and ceremoniall law; and the Iewiſh congregationall way was to remain for the ſubſtance of it, under the oeconomie of the Goſpell the very ſame, only this latter was to be performed under greater light and manifeſtations of truths and graces: in the former congregationall way Chriſt's Sacrifice on the Croſſe was preached by the Sacrifice of a contrite and of a broken heart, and juſtification by Faith in the Blood of Chriſt, was delivered by the non imputation of ſins, Pſalme 32. In the latter way which is that of the Chriſtian congregations and convocations, Chriſt his coming in the fleſh, his paſſion, reſurrection, interceſſion and the benefits that accrue from them are lively, plainly and without figures ſet forth unto us.

§. 16.

§. 16.

Yet there is that difference in thoſe Churches wayes, both nationall and congregationall betwixt the conſtitution under the Old Teſtament and that under the New, that the nationall and congregationall way was under the Old Teſtament quite different in kind from the congregationall, but not ſo under the New, under which they differ nothing at all in the worſhip and the matter of it, nor in the Miniſters that attend it; neither as I conceive, in the ſafety, but only in the manner of delivering and attending it: for in the congregationall Chriſtian way, men congregate willingly and voluntarily for the very love of the truth; and only for conſcience ſake without any outward conſideration from men, but in the Chriſtian nationall; all men doe not goe to the places of Gods worſhip only for the love of the truth and by a meer dictate of conſcience, but alſo that they may appear in the eyes of the world to be conformable to the received and recommended nationall worſhip, or for fear of ill repute, or of being damnified in their private affairs. It were to be wiſhed that all men and dwellers under one Magiſtrate were ſo willing to attend pure ordinances and were ſo holy in their lives, that they might be all one holy congregation to the Lord; ſo that there were no other Church-way beſides the nationall; or that all men of the ſame Nation and territory were ſo minded to attend pure ordinances in a congregationall way that there were no need to ſet up a nationall worſhip and a way of religion by a power of Magiſtracy: but neither of them being ever to be expected the ſoverain Magiſtrate in every Nation and territory ought not only to give way to all ſorts of men that agree with him, in the fundamentall of Chriſtian Religion to chuſe both the perſon by whom they will be taught and ſuch ordinances, fellowſhip or congregation, by which they expect to receive more edification and growth in grace, but beſides he ought not only for the further edification of thoſe that love beſt this congregational way, but ſpecially & chiefly for the inſtructing & building up in Chriſt thoſe that expect to be invited and would have ordinances made ready to their hands, to ſet up by law publick ordinances, appoint places of meeting, Miniſters, revenues, Colledges, ſchools and all waies, whereby learning, piety, purity of worſhip may univerſally and publickly be contenanced and ordered; for were there no other Church-way under an orthodox Magiſtrate but the congregationall, it would be a way to bring an extire extinction of all religion

gion and fear of God in all thoſe that would not congregate willingly, or may be could not for want of the ſincerity of membership required in all them that congregate; ſo that in a ſhort time, the greateſt part of the Nation would be lawleſſe, becauſe void of religion and the care of it.

§. 17.

But however the Magiſtrate countenance ordinances, and in what way ſoever; the meeting of men in one place under the ſame Miniſtery and ordinances, whether it be of members of the ſame place and neighbourhood or no, is the true adequate proper definition and deſcription of a true viſible Church in a Scripture ſence; and ſuch a Church, partly by a Divine poſitive right as it is a congregation of Chriſtians, partly by a Divine naturall civill politick right, as it is a ſociety of men endowed with prudence, wiſdome; liberty of mind and body, hath power and right to govern it ſelf and make orders moſt convenient for their own ſubſiſtence: all other acceptions of Churches are but improperly made uſe of: for a nationall Church is the ſame with the Chriſtian Commonwealth, and this aſſociation of Churches is meerly of humane prudence and not of Chriſts Inſtitution.

§. 18.

But how private Churches came to varie from their firſt inſtitution by aſſuming ſomething like a juriſdiction both in the Iewiſh State, and ſince Chriſtian Religion was profeſſed, it will not be amiſſe to declare 1. I take for granted that the firſt Chriſtian Churches were like thoſe convocations or ſynagogues frequented every Sabbath-day in the Iewiſh Commonwealth, and like thoſe of the brethren of the congregational way independent on any other Church, Synode or Church judicatory; for ſo the Centuriators tell us, cent. 2. cap. 7. and Vignier, whom the moſt pious Prelat and learned Dr. Uſher took for the faithfulleſt writer that ever wrote the Church-Hiſtory, *the form of Government in this age was almoſt democraticall, for every Church had equall power to teach the Word of God, to adminiſter the Sacraments, to abſolve and excommunicate hereticks and thoſe that led a diſſolute life, to elect, to call or to ordain Miniſters, to depoſe them when occaſion required to erect ſchools, to call Synods, to ask the opinions of others upon doubts or controverſies.* 2. We doe not read that thoſe convocations or ſynagogues in Levitic. 23. afore the people was led into captivity were inveſted with any juriſdiction, but

but only lived in a brotherly confederacy each member preferring another in love and mutuall condescention; besides, they had no need of discipline, since all the people in those convocations were as so many scholars attending and hearkning to the lectures and expositions of a Professour, Doctor or Preacher, and had no occasion to confer about lawes of their government, no more then the auditory and the whole congregation when they meet upon a Sunday in a Temple to hear the Minister: 3. when the people were led into captivity and their own Magistrates were removed which kept up the publick Nationall Church-way, those convocations & houses of prayer by degrees & lapse of time changed nature and became as many little Commonwealths endued with jurisdiction, not only performing exercises, as we see Act. 13.v.27. and chap 15.v.21. but also having coercive lawes & Iudges, handling all causes and matters as well Ecclesiasticall (as they call them) as civill: and whereas afore the captivity none but Rabbies and Prophets taught, afterwards Priests and Levites and the Elders of the people were joined to them in one synagogue; and so putting out of the synagogue, which was a judiciall sentence of the assembly, and which some are pleased to call excommnnication, came in fashion; for afore the captivity there is no footstep of excommunication: thus synagogues were invested not only with a faculty to perform duties and acts of worship to God, but also with a power of Magistracy. 4. These synagogues being turned or converted into Christian Churches, retained the same construction and qualification in performing church duties, and exercising power of Magistracy; which for 300. years after Christ was assumed by the consent of members and afterwards was delegated by the Emperours. This way of Magistracy, it seems, was approved of by St. Paul, 1. Cor. 6. v. 1, 2, 3. &c. where it is evident that St. Paul recommends there should be in the Church, besides those that labour in the word and doctrine, some of lesse eminency amongst them to decide differences and controversies of another nature, albeit some think they were set by St. Paul only as arbitrators, and not as Magistrates of the same power as the elders in the synagogues. Reverend Dr. *Lightfoot* hath these words about the meaning of that place, *afterwards to take the Corinthians off from going to infidel Iudges, he requireth them to decide the matter themselves, till the time come that the Saints shall judge the world, that is, till the time come that there shall be a Christian Magistracy.*

Thoſe that decided ſuch matters were called Elders, *ſeniores*, and continued till the Emperors became Chriſtian, who inſtead of them erected audiences of Biſhops, to which it was free to repair, or to a ſecular judge; which cuſtome *Ambroſe* did not like ſo well, when as St. Paul would have matters worth complaint to be compoſed by the elders of the Church, and wiſheth that the Elders in uſe in the ſynagogue, and afterwards in the Chriſtian primitive Church, were again erected and appointed in Churches.

§. 19.

Hereto the Churches power aſſumed by common conſent and confederacy, changed hands, and was taken up by the Magiſtrate and delegated to him again: and yet however the Emperours were affected, either for, or againſt Arius, good men uſed every where to meet in particular conclaves, meetings, and fellowſhips, and houſes of prayer to confer about heavenly things, and to humble themſelves and pray to God for the removing of thoſe evils and judgements, which bad Biſhops and Emperours did ſtrive to bring upon the true Churches of Chriſt: and the Emperour kept that juriſdiction in the ſettling a nationall Church-way, diſcipline, and religion, untill the Biſhops of Rome ſnatched it from them; and enjoyed it many centuries of years, till the reformation begun by Luther in many Nations, namely in England, where that ſame juriſdiction in ordering matters of religion, in a nationall way was reunited again to the Magiſtrate of the countrey, as many of our Acts of Parliament tell us.

§. 20.

To bring the matter to ſome head: as we have ſeen that the congregationall way is very compatible with the Magiſtrates juriſdiction in ordering matters of religion in a publick way, ſo no doubt it is altogether incompatible and inconſiſtent with an Eccleſiaſticall Synodical juriſdiction, if they make it independent on the Magiſtrate: for, 1. That Eccleſiaſtical national juriſdiction muſt comprehend all men in the ſame territory, and conſequently all the men of the congregational Churches: for it is no juriſdiction, if it be free for any man to withdraw from it, and adhere to the congregational way. 2. moſt men that are not well informed about the extent of power wherewith ſynods are inveſted, will be continually fleering about the meaſure of their ſubjection to them, when one party maintaineth that Synods have a judicial power

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authoritatively to determine, and to impose laws and ordinances upon private churches; and the other holds that Synods have but a faculty to advise and give counsell. 3. and since there is hardly a man of the congregational way, but is willing to be partaker of some of the ordinances (yea may be of all) administred by that Minister who is for a national Ecclesiastical jurisdiction, and yet is not willing to submit to his jurisdiction, you shall have a member of a church that hath not submitted to the jurisdiction of that Church. 4. the nature of the Church in Scripture-sence will sooner admit a jurisdiction included within a particular Church, than within a Presbyterian Church independent on the Magistrate. 1. because such a Presbyterian national Church is no Church in Scripture-sence, and therefore no jurisdiction can be ascribed to it. 2. the holy writ mentions but three kinds of Churches, that of the elect, the Catholick visible Church, & the particular Church; there is no room for an English, Gallican, or Dutch Church in a Scripture sence, and so no jurisdiction belongeth to such a Church; for if the Catholick church that hath a reall being in the world and in the Scripture, cannot by any means be invested with jurisdiction, much lesse a national church, which hath no existence but in the abuse by the vulgar, who call all the private churches of one nation by the word *Church*. Many other incompatibilities I omit for brevity-sake; and which will never fall out, when the Magistrate takes in hand all national church jurisdiction, how few or many soever churches there be of the congregational way whose jurisdiction is of no great extent, and of no dangerous consequence, no more then the jurisdiction of a father of a family, who needs not the inspection and direction of the Magistrate to govern his family with such religious orders as he thinks best; whereas it would bring a great conflict into the State, if so many families as there be private churches in one territory had the libertie to associate in one entire body, and take up and exercise a jurisdiction, which should be independent on the jurisdiction of the Soverain Magistrate: this is the case of a nationall Ecclesiasticall jurisdiction independent on that of the Soverain Magistrate, and which hath caused strange conflicts in the Palatinat, Scotland, Geneva and other places, whereof I have brought many examples elsewhere, no such inconvenience can befall; even by admitting that congregationall churches were endued with a jurisdiction independent on the Magistrates jurisdiction; for the juris-

diction of many little churches of equall authority not combined, will never breed any faction to the disturbing of the publick peace, yet the keeping of them asunder from joyning heads and counsels, availes much for the strengthening of his soverainty, according to the saying, *divide & Impera.*

CHAPT. II.

Of Tithes and setled maintenance for the Ministry.

§. 1.

MAny of late who have written of this subject have spent much paper and ink in vain, without stating the right of Tithes: some are very eager to prove that they are of Divine perpetuall right, and not alterable without sin by any law of man: others, that they are of a Divine right, but to be of no longer standing than the Mosaicall lawes and ceremonies; and so to be abrogated by a Christian Magistrate: some disprove wholly the use of them, not because they are tythes, but because they are setled maintenance for the Ministry; which maintenance they would wholly take away in order (it seems) to the abolishing of a standing Ministery imployed by the Soverain Magistrate for promoting the settlement of religion and piety in a nationall publick way. They are in the right, in my judgement, that hold they are to be retained, 1. by Divine right, so far as by Divine right the Magistrat who must order matters of religion in a nationall publick way, is to make a provision for the Ministery, and that no provision is more just equall and reasonable than that of Tythes. 2. by humane right, because the Magistrates Godly prudence hath thought this way most just and equall, yet by a right that is alterable if the Magistrate can find a better way to set up publick maintenance of the Ministry. I am sure *Ethelwolph*, who brought the Saxon-Heptarchy into a Monarchy, conferred the Tythes of all the Kingdome upon the Church by a charter *anno* 855. which was never yet repealed: and so far Tythes are of humane right in England.

§. 2.

Those that hold them be of perpetuall right, have committed many grosse

groſſe miſtakes. 1. the Divine right of the law of Tythes is not in the number of 10. but in the proportion of one to ten, which God allowed as a reaſonable maintenance for a tenth part of the people, even all the tribe of Levi, and to defray all the charges about the Levitical worſhip: now the tribe of Levi was about the 10th part, if we take in thoſe that were not of the tribe of Levi, and were attending on many low employments neceſſarily to be diſcharged about the Levites or the Levitical ſervice, and were to live of the leavings of the children of Levi. Now this proportion of one to ten being of Divine inſtitution and right, this law of Tythes cannot be fulfilled in a Chriſtian Commonwealth, except the Miniſtry be ſo numerous as to make the tenth part of the people, or unleſs their maintenance be of that proportion, as one is to the number of ten½, which would be altogether unreaſonable & unjuſt; for then one Miniſter who uſually maketh not the two hundredth man might engroſſe in a little time the eſtates of 200. men. Since then the Miniſters of the Goſpell were to be either by Gods providence, permiſſion or appointment, nothing ſo numerous as the proportion of one is to ten, is it probable that the law enjoyning an Iſraelite to pay one of ten can ſtand in force under the Goſpel, and be fulfilled when 500. Pariſhioners pay the tenth part of their yearly revenue in corn, fruits and money to one Miniſter? had it been ſo, then one Levite had been very poorly ſhared in compariſon of one Miniſter of the Goſpell: for the Levite could receive but of one man the tenth, th' other (it may be) the tenth of 500. or one thouſand: and whereas the Levite could receive but 1. in 10. yearly, the five hundred pariſhioners worth it may be 10. l. a year a man one with another would afford 500. l. of yearly maintenance to their ſingle Miniſter: but ſure God meant more than one of ten to the tribe of Levi, and not ſo much to the Miniſters of the Goſpel, and the number 10. ſtands for a Levitical maintenance as the 7th. pigg is called Tythe though it be not the tenth. *Chryſoſtome Sermon.* 103. mentioneth a farr greater proportion as *fruits, firſt fruits, tenths, tenths again, thirteens, ſicles, half ſicles, meat-offerings, heave-offerings, their therumah of the tenth of all, that is, the hundredth part,* beſides their free entertaining of Levites in their houſes; there being hardly a good houſe where there was not a Levite. And as God never meant the tenth to the Miniſters, ſo was it never given, if the Tythes be taken in the lump or if it be taken notice that a great part of the Tythes are impropriate & that much

much land, many fruits, cole-pits, mines, a world of wares and dwelling-houſes are not tythable. But the Tythes paid to the Miniſter are improperly called tenths; for were the duly paid, they would amount to the fifth or ſixth part of every landed man in corn, graſſe, fruit and cattle. Suppoſe one countrey Pariſh had one 1000. Akers of Land tillage and paſture worth one with another 20. ſ. an Aker, I conceive if the Pariſhioners of one conſent ſhould give to their Miniſter in lieu of Tythes 100. Akers of ground to till and manure himſelf, or to let to another, that then thoſe Tythes ſhould be exactly the tenth of the revenue of the whole Pariſh, *viz.* a 1000. l. for a 1000. Akers of land: but the ſaid 100. Akers of ground being tilled and manured at the charge of the Pariſh, no doubt but the Pariſh, beſides the 100. Akers of ground (which being let will afford 100. l. yearly) giveth another 100. l. to the Miniſter, which he ſaves in countrey manage, and in keeping of ſervants Teams and ploughs, and ſo his Tythes are no more tenths but fifths.

§. 3.

The law of Tythes cannot be of a perpetuall Divine right, in regard this revenue allowed for the upholding a ceremoniall worſhip, and for maintenance of a Leviticall Prieſthood, was to ceaſe with the Prieſt and Prieſthood, which ended at the ſame time that Ieſus Chriſt ſaid *all is fulfilled*. When there was no more need of an Altar, good reaſon that gifts ſhould be no longer brought to the Altar, thoſe alſo that ſerved at the Altar being diſmiſſed, as of no further uſe. 2. For this reaſon the Miniſters of the Goſpell are not to challenge the continuance of Tythes, in regard they did not ſucceed to the Prieſts and Levites but to the Prophets that taught in ſchools, and which we read not to have been maintained out of the Leviticall Tythes. 3. the lawes which God gave to the Iewes were fitted to their Commonwealth only, and were not intended to oblige Chriſtians to the obſervation of them, as all ceremoniall, and many politicks laws; as for example, the law about trying Virgins, and that law which gives a double portion to the elder, which latter law was ſo far from being a precept binding the Chriſtians, that it hath not been taken for an example to be imitated in divers very orderly Chriſtian Commonwealths, as this of England, who thinks it no ſin if a man dye without a will, that all his Land ſhould go to the elder ſon: what warrant have we from Scripture, that the law of Tythes carries with it a

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greater neceſſity of duty, ſo as not to vary from it? Laſtly, as the *jus Divinum* of Tythes was to hold no longer then Prieſts and Levites, ſo was it to be of no longer ſtanding then thoſe men that attended the publick nationall worſhip, had no other maintenance then that of Tythes, for they had no inheritance among their brethren: but the Miniſters of the Goſpell being neither Prieſts nor Levites, and their Miniſtry being quite of another nature, and having an inheritance among their brethren, which they bequeath to their children, that Divine inſtitution of Tythes muſt needs ceaſe, when their perſons and their Miniſtery for which Tythes were inſtituted were taken away.

§. 4.

Others being carried to extremes, ſay that the law of Tythes was ceremoniall, and conſequently is abrogated. To this I ſay. 1. We are freed from paying Tythes to Prieſts and Levites, becauſe freed from Prieſts and Levites; but we are not obliged not to ſet up Tythes by an humane conſtitution, or not to beſtow them upon the Miniſters of the Goſpell; we are freed from bringing a gift to the Altar, but we are not hindered by that freedome from bringing a gift to the Altar, nor to bring a gift to the poor of the Church. 2. we are freed from that bondage to place more holineſſe in the number of ten than in that of eleven: Chriſtians doe not conceive there is more ſin in the Miniſter to accept the worth of 100. l. in corne or in graſſe for his ſalary, than to have it in mony out of the publick treaſury. And if it be free for a Landlord to let his Land to a tenant for ſuch a ſum of mony payable yearly, ſure he hath the liberty to contract with him for the value of it in ſheafes or in quarters of corne as they can agree; and why not as well for 10. ſheaffes as for 20? 3. Tythes are put among *res medias*, as eating and not eating, which have no ſanctity or ſin in themſelves, but as they are uſed, good, if directed to a good end, bad, if they be miſuſed. That law were ſinfull that ſhould recall again the diſtinction of meats, the uſe of candleſticks, ſnuffers, veſſels and the like, for that typical end for which they were then commanded by God, but that law would not be amiſſe now that ſhould forbid the killing of young cattle in the ſpring for their encreaſe, and ſet up candleſticks to bear candles to give light in the Church when the Sun is down.

§. 5.

As for thoſe that will aboliſh Tythes, becauſe they would not have

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any ſettled maintenance for Miniſters, my ſoul and reaſon doth not enter into their counſell: they are no almes; they are *debitum juſtitiæ non charitatis*. It is a very equall and juſt maintenance that falls and riſes as years are cheap or dear, and as Lands improve, ſo Tythes do: in dear years, when leſſe corn, no leſſe mony is accrewing than when there is plenty of corn. This advantage ſtipends doe want; for being the ſame everie year, they may prove a ſhort allowance in a dear year and in a ſhort time. Tythes are the free gift of the earth and not a benevolence or gratuity of the people, for they have no right or property in them: they never bought nor paid for them, neither could they come by inheritance, for, that which was not their forefathers could not deſcend to them: Neither came Tythes to the people by donation, which they can never ſhew: the people meerly afford their labour in exchange of the labour in word and doctrine diſpenſed to them and yet ſcarce that, ſince it is due when the Tythes are impropriate, ſo that both labour and Tythes are like a rent that the Land is charged with, not by the Landlord, but by the ſtate and law of the Land, without any damage loſſe or diminution of rent or profits to the owner, who bought the Land upon that conſideration that it was Tythable, and which had been the dearer had it been infeodated at the firſt purchaſe. Neither doth the State give now any thing of its own but protection, interpoſing its authority that the gift of God and of the former Kings through the labour of the people be not hindred. If any revenue is arbitrary, it is the gift of Tythes, for it is *ad arbitrium Dei non hominis*, for as God giveth raine when he pleaſeth, and more or leſſe of it, ſo doth he give an anſwerable harveſt.

CHAPT. III.

Of Miniſters capacity to ſit and vote in Parliament.

I Am of this opinion that the very refined miſtery of iniquity whereof St. Paul ſpeaketh, 2. Theſſal. 2. is the earthly dominion called exaltation above all that is called God, which the Biſhops of Rome have aſſumed over the Kings and Nations of the earth, under the pretence of an Eccleſiaſticall juriſdiction diſtinct and independent on the Magiſtrates

ſtrates jurisdiction, and that the main weapon in the Popes hand to get himself this dominion hath been this fabulous thunder (and not so much as a flash) of excommunication, so that nothing hath more contributed towards the advancing of this mystery then the opinion of two jurisdictions in every state collateral and coordinate, whereof the Magistrate hath the managing and keeping of the one, and the clergy, and in chief the Pope, the keeping of the other: that church-men are Governors of the Church, and the Magistrates, Rulers of the Commonwealth; that the Magistrates in their civil assemblies must judge and order civil affairs; but that in Synodes the Ministers of the Gospell must sit, vote and order matters of Religion. The Pope and his clergy having gained thus far, and perswaded men that there be two jurisdictions, have in consequence obtained easily to subject and subordinate the civil jurisdiction to the Ecclesiasticall, and subdue unto himself the Kings and Nations of the earth: for *Baronius*, *Bellarmin*, &c. after they have very rationally demonstrated the incompatibility of two jurisdictions coordinate and collateral in one and the same territory, & the necessity of subordinating one jurisdiction to the other, have concluded as rationally that the civil jurisdiction ought rather to be subordinate to the Ecclesiasticall then the Eccleſiasticall to the civil, whereas if the truth were well known that this double jurisdiction Eccleſiasticall and civil, is a meer mockerie and sathans devising to bring at length the Magistrats jurisdiction under his bow: and were it well known that the Ministers of the Gospell have no jurisdiction, but that of the word over mens hearts and consciences, the Popes Kingdome would soon fall to the ground, there would not be two governments in every territory, one of the Church and th' other of the Commonwealth: there would be but one Christian Commonwealth, one power, one supreme counsell, judging of and ordering all matters, whereby men are to live soberly, righteously and Godly in this present world, looking for that blessed hope, &c. no member of that Commonwealth what ever profession he be of, that loves peace, religion, that hath wisedome and prudence, that is concerned as a citizen, husband, Landlord to contribute towards the settlement of the Commonwealth should be kept off from sitting and voting in publick assemblies, by what title soever called or distinguished, and Ministers of the Gospell should as well sit and vote in Parliament as other men are admitted to vote and sit in Synodes: for I humbly con-

ceive that it is a wrong both to religion and the peaceable and Godly settlement of a Commonwealth, that Ministers doe not sit and vote in Parliament, and are not admitted equally with all other ranks of people: to make that good, I further propound these considerations following.

§. 1.

The keeping of Ministers from sitting in Parliament hath given to the Ministers just ground to have judicatories of their own, where the laity should not be admitted, and this hath occasioned the rooting in mens minds the opinion of a double jurisdiction, wherein Ministers find themselves much loosers; for besides that, thereby they loose quite their share in the Magistrates jurisdiction, whereof all ranks of men are made partakers, it falls out, that while they challenge unto themselves entirely the Ecclesiasticall jurisdiction, they enjoy but the bare name of it, since it necessarily returns into the possession of the Magistrate and cannot be exercised without him. May be the clergy and Ministers must thank themselves that they are not admitted with men of all profession to have a share in governing the Commonwealth, having begun to exclude themselves by challenging a jurisdiction of their own, independent on the Magistrate, and thereby given just grounds to be quite cashiered and got nothing but an empty thing, a cloud and a shadow which they have claspd in lieu of a substance, and the Magistrate in the reformation made no haste to restore unto them their rights, or dissuade them from parting with an Ecclesiasticall jurisdiction, which at the best was but a sword which they held by the blade, though the hilt be the hand of the Magistrate.

§. 2.

There being in a Parliament men of all sorts and ranks, Gentlemen, Lawyers, Physitians driving the same interest to promote religion, liberty, lawes, it is altogether unreasonable that Ministers equally concerned should be, as it were culled out of the number, and much more that Ministers should be like the Gibeonites, who must be subject to the law they never had a hand in.

§. 3.

It is known that men though chosen for their wisdome and faithfulnesse, yet doe not sit and vote in Parliaments, Synods, &c. as they are artists, or invested with a profession and endued with knowledge and science,

science, but as they are invested with judicial authority delegated of assumed by consent, as a Physitian in a Parliament may discourse of Physick in the Parliament as Physitian, but he doth no more give his assent to a law for regulating Apothecaries as Physitian, than either a Merchant or a Draper give their vote to a law *pro re nata* Merchant or Draper. So then Ministers being to sit in Parliament are not to sit as a distinct order as Ministers, and as Bishops did sometime challenge, nor give their suffrage to a bill for reforming or regulating religion as Ministers of the Gospel. But Ministers are to sit and vote in the capacity that Bishops did sit, when they voted as Barons and Peeres of the realme, and not as Bishops, and in the capacity that Lawyers or Physitians have in the same Parliament: for even Ministers may speak, though they discourse pertinently of Divinity as Ministers, yet they do not, and they ought not to give their vote to a Canon against hereſie or blaſphemie as Ministers, but as Iudges and men invested with judiciall authority.

§. 4.

It seems to me unreasonable and unconscionable that men never so wise, Godly and experienced should be barred off from those assemblies and be made incapable to afford their wit and counsell, because of their habit and profession, as if a man refused to take a wholesome remedy from a Lawyer: were Ministry not suitable with the employment of a Parliament man, yet as none would refuse the reaping of a benefit, what ever hand should give it, so none ought to refuse a wholesome counsell, because given by a Minister, and how can it be better imparted then in a publick State Assembly? did a Minister know a secret to blow up all the King of Spaine ships in their havens, his Ministry should not hinder the State to make use of such a man: But of all professions, Ministry is most agreable to the making of lawes grounded upon Iustice, equity and conscience as all must be; and their parts lye that way more then those of Physitians or Merchants.

§. 5.

Since the greatest end of Magistracy is to advance the Kingdom of the Lord Iesus, & that for the obtaining of that end, it is needful to make lawes, and constitutions subservient to it, why should Ministers of all men be left out, whose education and profession renders them more capable to advise for the obtaining of that great end?

§. 6.

But the complication of the affairs that regulate religion in a national publick way, with those that regulate the Commonwealth is so great; yea there is so much affinity between all kinds of affairs and so much of religion in every constitution made by man, that of all men Ministers should be called on to advise as being most skilld and studied in the judgement of God.

§. 7.

There is the same reason for Ministers to sit in Parliament, as there was for Priests, Levites and Prophets to sit in synagogues and judicial assemblies of the Iewes; it being certain, that the great Sanedrim was a mixture of Priests and Levites, with the Princes and heads of the people. *Iosephus* tells us in the 2. Book against *Appion* that that Moses appointed Priests to be overseers and Iudges of all controversies and to condemn and punish.

§. 8.

There is equall reason that if the supreme Magistrate calls lay men to sit and vote in Synodes, he should call the clergy to sit and vote in Parliament; for none of them vote in Parliament or Synod as Ministers, Lawyers, Physitians, Merchants, but as members of the Commonwealth, and invested by those that sent them with judicial authority.

§. 9.

There was no such thing so much as heard of for many hundred years that Ministers and Bishops should be thought incapable to sit and vote in the supreme Court of the Nation. In England, France, Germany, &c. though the Pope had already much advanced the hatching of his two eggs Ecclesiastical and civil jurisdiction, for 5. or 600. years the State assemblies were a mixture of Senators, Bishops, Abbots, Lords, Gentlemen, &c. and in these assemblies all matters were debated and handled, whereof we had lately some footstep in England, when Bishops sate in Parliament: and even in the Popish Nations, as in France there is no high Court of Iudicature without some of the Clergy in it; only they usually goe aside when some criminal cause is handled, but not when an edict about criminal causes is debated.

§. 10.

And here we must distinguish the power of legislation from that of jurisdiction; for the profession of Ministry doth not render the Ministers un-

uncapable to make lawes even about crimes, treaſons and the like; but it may well render them not ſo fit in a Court of Iudicature to ſit upon life and death, or to exerciſe any part of juriſdiction, as of Iuſtices of peace, Majors or of Iudges, but to uſe a homely compariſon they are fit to make a coach but not to drive it, and to be coachmen: a Phyſitian cannot be blamed to accept to be choſen burgeſſe for Parliament by his Countrey, but the office of a Sheriff or Major or Sergeant will not ſo well ſuit with his profeſſion of practitioner of Phyſick, the like may we ſay of a Miniſter of the Goſpel: and beſides many Miniſters parts lye not ſo much for preaching as for Government, as St. Paul tells us 1. Timoth. ch. 5. and ſuch may be the fitter members of Parliament.

§. 11.

And if religion; church-diſcipline, maintenance for Miniſters by Tythes, or otherwiſe, taking and giving uſe and increaſe of mony, muſt be eſtabliſhed by law; & by law Idolatry, prophaneſs, perjury, taking Gods name in vain muſt be baniſhed; it ſeems to me an unreaſonable thing that Miniſters ſhould have no hand in making that law, who of all men are entruſted to know and to declare Gods mind and counſell, the equity and conſcionableneſſe of the law, and who beſides are inveſted with titles and office of Governors, Rulers and Overſeers of Churches, and of Ambaſſadors from Chriſt: And albeit Miniſters have no juriſdiction at all, but that which they exerciſe in their Miniſtry over the ſpirits, hearts and conſciences of men, yet, as they are not by their Miniſterial function deprived of a Paternal, marital or Heril power and juriſdiction, when Gods providence doth call them to it, ſo neither doth their Miniſterial ſacred function diminiſh any thing of a capacity to be empowred with that juriſdiction, which mainly is converſant about ordering duties or actions to be performed by thoſe who are ſerled in that function.

§. 12.

Since the Godlineſſe of theſe times hath aboliſhed the diſtinction of Church and State, of civil and Eccleſiaſtical juriſdiction, and taken away the diſtinction of clergy and laity, ſo far as to conceive that the laity is none of the Lords inheritance, or to conſtitute two orders in the Commonwealth in order to introduce two collateral juriſdictions: And ſince now God hath in theſe dayes powred of the ſpirit of the Prophets upon the multitude, and is a working to make of them, both one holy City

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and one Commonwealth to the Lord : since those times of ignorance are past, when the clergy had all the sway and knowledge on their side, so far as to make a great wonder to see a lay-man that could read, and they would say, *legit ut Clericus*, and for that a man deserved pardon of the Prince, since the walls of partition of gifts and parts are removed and not fastned particularly more to the Ministers of the Gospel then to the people or Magistrate, since Ministers want no insight in the Government of the Commonwealth : since (I say) these things be so, I cannot see the lesse shadow of reason why Ministers, who have the same interest by birth, are alike citizens and members of that Commonwealth and have a religion, lands, peace, liberty to secure to themselves and to their posterity, shall not be alike made capable to sit and vote in the Parliament of that Commonwealth.

§. 13.

It is the law of nature and of Nations, that those that have power to depute and delegate are supposed to have a capacity to be deputed and delegated : now it is known that Ministers in England do actually exercise that power to depute and delegate members to the Parliament; particularly in the choice of members for the University, is there any thing more reasonable then that the principal members of the Universities, as are the heads of Colledges and Halls be chosen, whether Ministers or others, and that those that are Ministers be not by their Ministry rendered more incapable to be members of Parliament, than others in regard of Physick or civil law, which they professe.

An

An entrance into this one Proposal towards the settling of a lasting and flourishing Commonwealth,

Which is

That Parents inheritances be divided equally among their children.

THe *Printer* having desired of me to make this Book either shorter or longer by one page, this subject came into my mind; whereof I have among my papers at *Oxford* a discourse in writing. The drift of it is to shew, that the grand *arcanum Imperii* to preserve Democracy and keep it from going back to Monarchy, is to make a law for sharing inheritances, into more equal portions among children. This proposal, as I remember, I make good by many arguments out of Scripture, reason the authority of the civil law, and the civilians, and the practise of all States, that meant to procure liberty, peace and plenty to the people. The holy Scripture never allowed but a double portion to the elder. I alledge the examples of the Romans, and of the nations, at the dissolution of the Roman Empire; namely that of the Gaules, where their Princes divided the Kingdom among many children: by which they receded as much from those wayes that strengthen Monarchy, as by them they advanced the popular interest. I descend unto reasons, some of which I remember were, 1. This *arcanum Democraticum* is a mean to improve every parcel of ground, to enclose waste lands, to fill up the country with people, buildings and good husbandry, when younger brothers are kept at home having a little estate to manage, from an idle wandring life and from following wicked courses. I bring the example of those countreys, where brothers being shared alike, the land is much more improved, is fuller of people, lesse given to vanity, than where an elder carries all the estate and land, much consisting in parks, chases, wild forrests, instruments of vanity and idleness. 2. as sharing equally, children will reduce mens conditions into that condition, which is more agreable with Democracy, which is mainly upheld by an equality of ranks & fortunes, and where Magistracy, and not personal honour puts a difference among

among men, ſo that diſproportion, which gives all to the elder, begets a vaſt diſproportion between men in their honours, ranks and fortunes, which in a ſhort time will eat up the Commonwealth. 3. I preſſe this reaſon, that great houſes and families, being continued in their high titles of honour and port, will be continually making towards Monarchical Government, from which they are perſwaded, that their luſtre and glory is derived, and having fortunes anſwerable to their titles of honour, they will be more ſcorning and hating popularity, as endeavouring to pluck them down; and they themſelves will be the more endeavouring to keep their diſtances, the more conſcious they are that popularity and Magiſtracy as it is ſeen in Switzerland, are not compatible with Nobility. 4. but the principal reaſon and which ariſeth from the very being and eſſential conſtitution of a Commonwealth, as it is ſo lately fetcht out of the bowels of Monarchy, is that in a ſhort time, younger brothers, who exceed far the number of the elder, will join their intereſt with that of the Commonwealth, ſo that the State will need no other Army, but that of younger Brothers.

FINIS.